

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

**THE STATE OF TEXAS,**  
***Plaintiff,***

**v.**

**JOSEPH R. BIDEN, in his official  
capacity as President of the  
United States, et al.,**  
***Defendants.***

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**CIVIL ACTION NO. 3:21-CV-309**

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**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL**

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Plaintiff, The State of Texas, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby dismisses all causes of action in the complaint (ECF No. 1) against Defendants, Joseph R. Biden, *et. al.*, without prejudice. On May 9, 2023, the President of the United States entered an executive order revoking the COVID-19 vaccine requirements for federal contractors, effective today, May 12, 2023.<sup>1</sup> Given the State of Texas now has the relief it sought, and the rights of Texans are protected, further litigation in this case, with the current circumstances, is no longer necessary. Additionally, since Defendants have not served an answer or motion for summary judgment in this case, a voluntary notice of dismissal is proper. *See Bechuck v. Home Depot U.S.A., Inc.*, 814 F.3d 287, 291 (5th Cir. 2016) (In terms of Rule 41(a)(1)(A)(i), “notice of dismissal is self-effectuating and terminates the case

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<sup>1</sup>See <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/05/09/executive-order-on-moving-beyond-covid-19-vaccination-requirements-for-federal-workers/>.

in and of itself; no order or other action of the district court is required” *quoting, In re Amerijet Int’l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015) (per curiam)).

Respectfully submitted.

**KEN PAXTON**

Attorney General of Texas

**BRENT WEBSTER**

First Assistant Attorney General

**GRANT DORFMAN**

Deputy First Assistant Attorney General

**SHAWN COWLES**

Deputy Attorney General for Civil Litigation

**CHRISTOPHER D. HILTON**

Chief, General Litigation Division

/s/ Heather L. Dyer

**HEATHER L. DYER**

Attorney-in-charge

Assistant Attorney General

Texas State Bar No. 24123044

So. Dist. No. 3678443

Heather.dyer@oag.texas.gov

**AMY SNOW HILTON**

Assistant Attorney General

Texas State Bar No. 24097834

So. Dist. No. 3350717

Amy.Hilton@oag.texas.gov

Office of the Attorney General

General Litigation Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

**COUNSEL FOR THE STATE OF TEXAS**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document and all attachments were filed via CM/ECF on May 12, 2023, causing electronic service on all counsel of record.

/s/ Heather L. Dyer  
**HEATHER L. DYER**  
Assistant Attorney General